



24 JAN 2002

Paper No. 11

In re Application of :
Charles J. Stouffer *et al* : DECISION ON PETITION
Application No. 09/434,507 :
Filed: November 5, 1999 :
Attorney Docket No. 2288-006 :

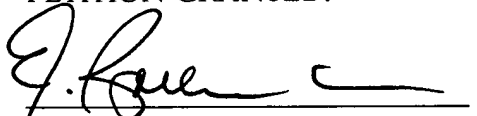
This is a decision on the petition filed on December 31, 2001 by which petitioners request withdrawal of the holding that this application stands abandoned for failure to file an appeal brief.

The petition is granted.

Petitioners allege that an appeal brief was timely filed, together with the fee therefor. These allegations are supported by attached copies of the brief as filed, together with copies of a post card receipt showing that the brief was received in the Office on October 31, 2001 and by a copy of the Express Mail Label for the brief showing that the brief was deposited as Express Mail on October 31, 2001. The originally filed appeal brief has now been located and associated with the application file. In addition, Office financial records show that the fee for the appeal brief was received and applied. It is clear that this application was not in fact abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the appeal brief filed on October 31, 2001.

PETITION GRANTED.


E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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